

AUG-16-2006 WED 04:37 PM FINNEGAN HENDERSON

FAX NO. 6508496666

P. 02

AUG 31 PM 3:52

CERTIFICATE OF FACSIMILE TRANSMISSION

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By: _____

Sarah M. Barnett

PATENT

Customer No. 22,852

Attorney Docket No. 07579.0015-01000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 16 2006**

In re Application of:)

Graham Edmund KELLY et al.)

Application No.: 10/600,004)

Group Art Unit: 1614

Filed: June 18, 2003)

Examiner: Cybille DELACROIX-MUIRHEID

For: METHODS FOR BONE)
TREATMENT USING)
FORMONONETIN AND OTHER)
ISOFLAVONES (as amended))

Confirmation No.: 6037

Mail Stop 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR REFUND UNDER 37 C.F.R. §§ 1.26 and 1.28

Applicants hereby request a refund pursuant to 37 C.F.R. §§ 1.26 and 1.28. On May 16, 2006, Applicants erroneously paid large entity RCE and extension fees of \$2,950.00. In accordance with 37 C.F.R. § 1.27(c)(3), Applicants had previously established small entity status in this application by payment of the small entity basic filing fee on November 26, 2003.

Accordingly, Applicants request a refund of \$1,475.00, which is half of the RCE and extension fees paid on May 16, 2006. This request is being made within the three-month period provided in 37 C.F.R. § 1.28.

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FAX NO. 6508496666

P. 03

Attorney Docket No. 07579.0015-01000
Application No.: 10/600,004

Please issue the refund amount of \$1,475.00 to Deposit Account No. 06-0916 and
indicate our Attorney Docket No. 07579.0015-01000.

Respectfully submitted,
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 16, 2006

By: Elisabeth Jaffe Barek
Elisabeth Jaffe Barek
Reg. No. 46,797

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FAX NO. 6508496666

P. 03

Attorney Docket No. 07579.0015-01000
Application No.: 10/600,004

Please issue the refund amount of \$1,475.00 to Deposit Account No. 06-0916 and
indicate our Attorney Docket No. 07579.0015-01000.

Respectfully submitted,
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 16, 2006

By: Elisabeth Barek
Elisabeth Jaffe Barek
Reg. No. 46,797



Stanford Research Park ■ 3300 Hillview Avenue ■ Palo Alto, CA 94304-1203 ■ 650.849.6600 ■ Fax 650.849.6666
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TO**MAIL STOP 16****U.S. Patent and Trademark Office****Fax Number: 571-273-8300****Date: August 16, 2006****Phone Number: 571-272-4000****Total Pages (including cover): 3****FROM****Name: Elisabeth Jaffe Barek****Verified by: smb****Phone Number: 650-849-6611**

In re Application of:

Graham Edmund KELLY et al.

Application No.: 10/600,004

Group Art Unit: 1614

Filed: June 18, 2003

Examiner: Cybille DELACROIX-MURHEID

For: METHODS FOR BONE
TREATMENT USING
FORMONONETIN AND OTHER
ISOFLAVONES (as amended)

Confirmation No.: 6037

Applicants enclose the following document for filing in the above-referenced application:

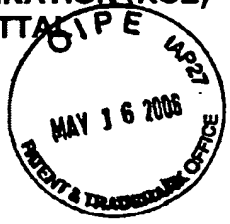
- 1) Request for Refund under 37 C.F.R. § 1.26 and 1.28 (2 pages).

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05-18 06

KCC JFW

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL TYPE 	Application Number: 10/800,004	Confirmation Number: 6037
	Filing Date: June 18, 2003	
	First Named Inventor: Graham Edmund KELLY	
	Group Art Unit: 1614	
	Examiner: Cybille DELACROIX-MUIRHEID	
	Attorney Docket Number: 07579.0015-01000	
Attorney Customer Number: 22,852		

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 C.F.R. § 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

1. Submission required under 37 C.F.R. § 1.114:

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____.
- ii. ☐ Other _____
- b. ☐ **DO NOT ENTER** the amendment(s) previously filed on _____. An alternate submission is attached.
- c. ☒ Enclosed submission:
- i. ☒ Amendment (11 pages)
- ii. ☒ Request to Delete Originally Named Inventor Under 37 C.F.R. 1.48(b) (1 page)
- iii. ☒ Petition for Five Month Extension of Time (2 pages)
- iv. ☒ Sixth Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97(b) (3 pages)
- v. ☒ IDS Form PTO/SB/08 (3 pages)
- vi. ☒ Copies of thirty-one (31) listed documents

2. Miscellaneous

- a. ☐ Suspension of action on the above-mentioned application is requested under 37 C.F.R. § 1.103(c) for a period of ____ months. (Period of suspension shall not exceed 3 months; fee under 37 C.F.R. § 1.17(i) required.)
- b. ☐ Other _____

3. Fees

- a. ☒ The filing fee is calculated as follows:
- i. ☒ \$790.00 RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☒ \$2,160.00 for a petition for extension of time for Five (5) months
- iii. ☒ \$130.00 for the filing of a petition under 37 C.F.R. § 1.48(b)
- b. ☒ Please charge the total fee of \$3,080.00 to our Deposit Account No. 06-0916.
- c. ☒ The Commissioner is authorized to charge any deficiencies in the filing fees, or credit any overpayments to Deposit Account No. 06-0916.

Signature of Applicant, Attorney, or Agent Required

Name: Elisabeth Jaffe Barek	Reg. No.: 48,797
Signature: <i>Elisabeth Barek</i>	Date: May 16, 2006

CERTIFICATE UNDER 37 CFR § 1.10 OF MAILING BY "EXPRESS MAIL"

EV 847360184 US

May 16, 2006

USPS Express Mail Label Number

Date of Deposit

I hereby certify that this correspondence is being deposited with the United States Postal Services "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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By: *Sarah M. Barnett*
Sarah M. Barnett

01 FC:1801 790.00 DA

Adjustment date: 09/25/2006 SDIRETA1
05/19/2006 FFAHAEIA 00000019 060916 10600004
01 FC:1801 790.00 CR

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May 16, 2006

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Date of Deposit

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By: 
Sarah M. Barnett



PATENT

Customer No. 22,852

Attorney Docket No. 07579.0015-01000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Graham Edmund KELLY et al.

Application No.: 10/600,004

Filed: June 18, 2003

For: COMPOSITIONS FOR
CARDIOVASCULAR AND BONE
TREATMENT USING
FORMONONETIN AND OTHER
ISOFLAVONES

)
)
)
) Group Art Unit: 1614
)
) Examiner: Cybille DELACROIX-MUIRHEID
)
) Confirmation No.: 6037
)
)
)
)

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION FOR FIVE MONTH EXTENSION OF TIME

Applicants hereby petition for a five (5) month extension of time to extend the due date for filing an Appeal Brief. Applicants submitted a Notice of Appeal and a Request for a Pre-Appeal Brief Review on October 13, 2005. The U.S. Patent and Trademark Office issued a Notice of Panel Decision from a Pre-Appeal Brief Review on November 16, 2006, which established the date for filing the Appeal Brief as December 16, 2005. This date has been extended to May 16, 2006, by this request and the extension fee of \$2,160.00 is filed herewith.

05/19/2006 FFANAEIA 00000019 060916 10600004

Adjusted Date: 05/19/2006 SDIRETA1
05/19/2006 FFANAEIA 00000019 060916 10600004
02 FC:1255 2160.00 CR

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